

FAIR HOUSING FACT SHEET

Disability Discrimination

California Fair Housing Laws Protect You From Discrimination!

The *California Fair Employment and Housing Act* protects you from illegal discrimination and harassment in housing based on a mental or physical disability. Discrimination includes, but is not limited to, the following actions:

- Failure to provide reasonable accommodation in rules, policies, practices, or procedures when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling
- Refusal to permit reasonable modification, at the tenant's expense, when necessary to afford a person with a disability full enjoyment of the premises
- Failure to design and construct multi-family dwellings in a manner that allows access to and use by persons with disabilities
- Refusal to rent, lease, or sell housing
- Discriminatory policies, practices, terms, or conditions that result in unequal access to housing or housing-related services

What is considered a disability under California law?

- Under California law, a disability is a mental or physical impairment, disorder, or condition that limits a major life activity. The definition of disability includes a diagnosis of HIV/AIDS, as well as medical conditions related to cancer and genetic characteristics.
- Major life activities include, but are not limited to, physical, mental, and social activities and working. Further, whether a condition or disability "limits" a major life activity must be determined without respect to any mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

What rights do I have as a tenant with a disability?

Persons with disabilities are entitled to be free from harassment and discrimination in all aspects of housing. They also have a right to reasonable accommodation in rules, policies, practices, or services related to housing when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling and are permitted, at their own expense, to modify their dwellings to ensure full enjoyment of the premises.

New construction of certain multi-family dwelling units built for first occupancy after March 13, 1991, and ten percent of multi-story dwelling units built after July 1, 2005, are required to include specified accessibility features for persons with disabilities including accessibility to the primary entrance in common areas and in designated units.

Multi-family dwelling units and multi-story dwelling units that are required to include the specified accessibility features are those dwelling units that are contained in a building with four or more condominium dwelling units or with three or more rental apartment dwelling units. In buildings **with** an elevator, **all** dwelling units must include the specified accessibility features. In buildings **without** an elevator, only the ground floor units must contain the specified accessibility features. A multi-story dwelling unit is defined as a condominium or rental apartment dwelling unit that contains finished living space on one floor and the floor immediately above or below it.

Ten percent of multi-story dwelling units built on or after July 1, 2005, are also required to have an accessible route to the entrance on the primary entry level and at least one accessible bathroom on the primary entry level and in the public and common areas.

The multi-family and multi-story dwellings must be designed and constructed to permit access to and use by persons with disabilities and must provide, at a minimum, the following specified accessibility features:

- Building entrances that are on an accessible route
- Public and common areas that are readily accessible and usable by persons with disabilities
- An accessible route into and through the unit
- Doors, kitchens, and bathrooms designed to allow access, passage and maneuvering by persons using wheelchairs

- Light switches, electrical outlets, thermostats and other environmental controls in accessible locations
- Bathroom design that allows installation of safety grab bars around toilets, tubs, or shower stalls and seats

What should I do if I believe I have been discriminated against?

If you believe you have experienced illegal discrimination or harassment, you can explore filing a complaint with the Department of Fair Employment and Housing (DFEH) by taking the following steps within one year of the incident:

- Contact DFEH in writing or at our toll-free Housing number **(800) 233-3212**
- Provide specific facts about the incident or situation
- Provide copies of documents that support the charges in your complaint
- Keep records and documents about the complaint, such as a diary or log of incidents, rent receipts, applications, and other potential proof of discrimination

What will DFEH do?

If your complaint is accepted, DFEH will conduct an impartial investigation. DFEH is a neutral fact-finder and does not represent you or the parties named in the complaint. DFEH tries to assist both parties to resolve the complaint.

Examples of resolutions could include:

- Making available the previously denied housing or accommodation
- Compensation for losses and emotional distress
- Training and policy changes to prevent future discrimination
- Other actions to eliminate the effects of discrimination, such as penalties and fines

If DFEH is unable to resolve the complaint, and there is sufficient evidence to establish a violation of the law, the matter may be litigated by the Department before the Fair Employment and Housing Commission or in civil court.

Can I file a lawsuit before or after I file a complaint with DFEH?

You have the right to file a lawsuit on your own behalf in a California court within **two years** of the alleged discriminatory act. It is not necessary to file a complaint with DFEH prior to the filing of a lawsuit. If you do file with DFEH, the time that a complaint is pending with DFEH will not count when computing the two-year period.

Are there other agencies that can help?

The U. S. Department of Housing and Urban Development (HUD) enforces federal laws that prohibit discrimination in housing. HUD also monitors subsidized housing programs. For further information, call (800) 347-3739, or visit the web site at www.hud.gov.

The State of California Department of Consumer Affairs can help with questions or complaints regarding landlord/tenant relationships including repairs, safety violations, and Health and Safety Code violations. For further information, call (800) 952-5210, or visit the web site at www.dca.ca.gov.

The Mobile Home Ombudsperson at the California Department of Housing and Community Development can help with questions or complaints pertaining to mobile homes, including health and safety issues, maintenance issues, and warranty issues. For further information, call (800) 952-5275, or visit the web site at www.hcd.ca.gov.

For more information, contact DFEH toll free at **(800) 233-3212**, Oakland area & out-of-state at **(510) 622-2945** or **2946**, TTY number at **(800) 700-2320**, or visit our web site at www.dfeh.ca.gov

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State of California

Department of Fair Employment & Housing Oakland Housing Unit 1515 Clay Street, Suite 701 Oakland, CA 94612

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